

REMARKS

Favorable consideration and allowance of the present application are respectfully requested.

In the Office Action, claims 13-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is respectfully submitted, however, that the claims as now amended satisfy the requirements of § 112. As such, it is respectfully requested that the rejection be withdrawn.

Claims 9-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaoka et al. (U.S. Patent Number 4,722,973) in view of Stehling et al. (U.S. Patent Number 5,382,631). As now amended, however, the all of the presently pending claims require an elastomeric polyolefin having a density of less than 0.885 g/cm³ and a peak melting point range of about 49° C to about 85° C. Support for this amendment can be found throughout the present specification, including page 12, lines 12-22 and page 14, lines 26-30. It is respectfully submitted that the references cited, either alone or in any proper combination, fail to teach or suggest the presently pending claims.

For instance, Yamaoka et al. explicitly states that the ethylene alpha olefin copolymer (cited in the Office Action as disclosing the claimed elastomeric polyolefin) described therein has a peak temperature of "not lower than 100° C" and "preferably not lower than 110° C." Col. 6, lines 6-19. Such a temperature clearly falls outside of the claimed peak melting point range of about 49° C to about 85° C. Similarly, Stehling et al. indicates melting points well outside of the claimed range as illustrated in Tables 7A and 7B which indicates melting points ranging from 99° C to 129° C. As such, Stehling et al. fails to remedy the deficiencies of Yamaoka et al. Therefore, it is respectfully submitted that the presently pending claims patentably define over the cited references.

In summary, Applicants submit that the presently pending claims are patentably distinct over the cited references and are in complete condition for allowance. Should any issues remain after consideration of this response, however, than Examiner Cole is invited and encouraged to telephone the undersigned at her convenience.

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Respectfully submitted,

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